

REMARKS

Claims 1-37 are pending in the application. Claims 11, 15 and 27 have been amended. Reconsideration of this application is respectfully requested.

The Office Action has objected to Fig. 13 of the drawing because item 1309, "RETURN STATUS", is mislabeled as compared to the specification that refers to it as item 1304. The paragraph 0055 of the specification has been amended by changing "1304" to "1309". Therefore, it is submitted that the objection to the drawing is obviated.

The Office Action paragraph 2 objects to claims 15 and 27 due to lack of antecedent basis. Claim 15 has been amended by changing "said" to "a". Claim 27 has been amended by changing "server" to "processor". Accordingly, it is submitted that the objection to claims 15 and 27 is obviated by the amendment.

The Examiner's note in paragraph 3 is acknowledged. Applicant agrees only with the part of the note that quotes the specification.

The Office Action rejects claims 1-3, 7, 8, 11, 13, 16-18, 20, 21, 23, 26, 28-30, 32, 33, 36 and 37 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,115,646 to Fiszman et al., hereafter Fiszman.

With respect to independent claim 1, Fiszman lacks the step of:

"providing a change state function for changing a current state associated with an object to a next state associated with said object, said change state function verifying compliance with said user-defined state transitions".

The Examiner contends that Fiszman discloses this step at column 6, lines 20-50. This citation generally describes the CORBA bus, but does not describe the above quoted step wherein the change state function verifies “compliance with said user-defined state transitions”.

With respect to independent claim 11, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman receives “a request to perform an action with said object” wherein the “object is based on a state of said object”, citing column 5, lines 21-28. This citation generally describes of a process definition, but does not describe an object, a state of an object or a receipt of a request to perform an action with the object.

The Examiner contends that Fiszman determines “whether said object has ever been checked-in to a source control system”, citing Figs. 11 and 17 and column 15, lines 30-37. This citation generally describes user selection of an activity from a list of available activities, but does not describe an object or a determination of whether the object has been checked into a source control system.

The Examiner contends that Fiszman determines “whether said object is currently checked-in”, citing Figs. 11 and 17 and column 15, lines 30-37. This citation generally describes user selection of an activity from a list of available activities, but does not describe an object or a determination of whether the object is currently checked-in.

The Examiner contends that Fiszman retrieves “ a definition of a state of said object”, citing Fig. 11, column 15, lines 30-37. This citation generally describes user selection of an activity from a list of available activities, but does not describe an object, retrieval of the object, or a definition of a state of the object.

The Examiner contends that Fiszman determines “from said definition whether said action is permissible in said state”, citing Fig. 13, column 16, line 42 to column 17, line 8. This citation generally describes the creation and amendment of an activity definition, but does not describe a determination from the definition “of said state of said object” whether the action is permissible in the state of the object.

Independent claim 11 has been amended to recite “providing a permission status to perform or not perform said action with said object”. The Examiner had contended that Fiszman discloses this step, citing Fig. 1 and column 5, lines 35-40. This citation generally describes the running of a process in response to a request that identifies the process and a specific instance of the process. There is no description of a permission status “to perform or not perform said action with said object”.

With respect to independent claim 13, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman discloses “determining whether a next state in a state transition request from a user is allowed from a current state in said state transition request based on user-defined transition restrictions”, citing Fig. 16b, column 17, line 59 to column 18, line 36. This citation describes a breakdown of the store process of Fig. 16a. There is no description of a “next state transition request from a user”, a determination of allowability of the request that is “based on user-defined transition restrictions”.

The Examiner contends that Fiszman discloses “determining whether said user has permission to make said state transition based on user-defined transition restrictions”, citing Fig. 16b, column 17, line 59 to column 18, line 36. This citation describes a breakdown of the store process of Fig. 16a. There is no description of the recited determination.

The Examiner contends that Fiszman discloses “providing a state transition status”, citing Fig. 1 and column 5, lines 35-40. This citation generally describes the running of a process in response to a request that identifies the process and a specific instance of the process. There is no description of “providing a state transition status”.

With respect to independent claim 16, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman discloses “determining whether said object is being checked-in for a first time”, citing Fig. 17. Fig. 17 is described at column 18, line 37, to column 19, line 4. This citation describes a source control repository that stores source code under version control (without any further description of version control). The Examiner contends that the quoted step is “an inherent property of version control”. However, there is no basis on Fiszman, Fig. 17 and accompanying description or elsewhere, for drawing an inference of inherency. Fiszman does not disclose the step. If there is a relevant version control, the Examiner should cite it.

The Examiner contends that Fiszman discloses “retrieving a first fallback state for a first pre-defined state, if said object is being checked-in for said first time”, citing Fig. 9 and column 14, line 43 to column 15, line 13. This citation describes the creation of a process definition, but does not describe “a first fallback state”, an “object” being “checked-in for the first time”. Fiszman’s defined activities are not objects.

The Examiner contends that Fiszman discloses “providing said first fallback state, if said object is being checked-in for said first time”, citing Fig. 9 and column 14, line 43 to column 15, line 13. This citation describes the creation of a process definition, but does not describe “a first fallback state”, an “object” being “checked-in for the first time”. Fiszman’s defined activities are not objects.

With respect to independent claim 17, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman discloses each of the steps for retrieving, citing Fig. 9 and column 14, line 43 to column 15, line 13. This citation describes the creation of a process definition, but does not describe the quoted step. Fiszman's defined activities are not objects.

The Examiner contends that Fiszman discloses "providing said current fallback state, if said object is not being checked-in for said first time", citing Figs. 13 and 14 and column 16, line 42 to column 17, line 8. This citation generally describes the creation and amendment of an activity definition, but does not describe the quoted step.

With respect to independent claim 18, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman discloses "receiving a definition of a new state from a user, said definition including a name and a fallback state", citing Figs. 9-11 and column 14, line 43 to column 15, line 37. This citation generally describes the creation and amendment of an activity definition, but does not describe "receiving a definition of a new state from a user". Fiszman's user selects states from a plurality of predefined states.

The Examiner contends that Fiszman discloses "determining whether said name is unique among existing state definitions", citing Figs. 9-11 and column 14, line 43 to column 15, line 37. This citation generally describes the creation and amendment of an activity definition, but does not describe "receiving a definition of a new state from a user". Fiszman's user selects states from a plurality of predefined states.

The Examiner contends that Fiszman discloses "validating said fallback state", citing distinctive activities, Fig. 4. There is no description of validation of a fallback state or "distinctive activities" in Fig. 4 or its accompanying description.

The Examiner contends that Fiszman discloses “adding said definition to a source control system, only if said name is unique and said fallback state is valid”, citing an inherent property of version control, Fig. 17.). The Examiner contends that the quoted step is “an inherent property of version control”. However, there is no basis in Fiszman, Fig. 17 and accompanying description or elsewhere, for drawing an inference of inherency. Fiszman does not disclose the step. If there is a version control that is relevant to the quoted step, the Examiner should cite it.

With respect to independent claim 21, Fiszman lacks each of the recited steps. The Examiner contends that Fiszman discloses “receiving a modified definition of a state from a user, said modified definition including a name and a fallback state”, citing Figs. 9-11 and column 14, line 43 to column 15, line 37. This citation generally describes the creation and amendment of an activity definition, but does not describe “receiving a modified definition of a state from a user”. Fiszman’s user selects states from a plurality of predefined states.

The Examiner contends that Fiszman discloses “determining whether said name is unique among existing state definitions”, citing Figs. 9-11 and column 14, line 43 to column 15, line 37. This citation generally describes the creation and amendment of an activity definition, but does not describe “receiving a definition of a new state from a user”. Fiszman’s user selects states from a plurality of predefined states.

The Examiner contends that Fiszman discloses “validating said fallback state”, citing distinctive activities, Fig. 4. There is no description of validation of a fallback state or “distinctive activities” in Fig. 4 or its accompanying description.

The Examiner contends that Fiszman discloses “updating said modified definition in a source control system, only if said name is unique and said fallback state is valid, citing an inherent property of version control, Fig. 17.). The

Examiner contends that the quoted step is “an inherent property of version control”. However, there is no basis in Fiszman, Fig. 17 and accompanying description or elsewhere, for drawing an inference of inherency. Fiszman does not disclose the step. If there is a version control that is relevant to the quoted step, the Examiner should cite it.

With respect to independent claim 26, Fiszman lacks at least “a controller in communication with said processor via a network to be loaded with said objects to provide process control for a plurality of devices”. The Examiner contends that Fiszman discloses the recited controller, citing column 7, line 49 to column 8, line 6. However, this citation describes a model view controller for GUI displays to users and not a controller that is “loaded with said objects to provide process control for a plurality of devices”.

For the reason set forth above, it is submitted that the rejection of claims 1-3, 7, 8, 11, 13, 16-18, 20, 21, 23, 26, 28-30, 32, 33, 36 and 37 under 35 U.S.C. 102(b) as anticipated by Fiszman is erroneous and should be withdrawn.

The Office Action rejects claims 24, 25 and 27 under 35 U.S.C 103(a) as unpatentable over Fiszman.

With respect to independent claim 24 and its dependent claim 25, the Examiner admits that Fiszman does not disclose deletion of a state definition, but contends that despite this deficiency that Fiszman’s modification of a process definition makes it obvious to add the deletion of a state to Fiszman. This contention is without merit. Fiszman teaches to select a state from a list of states. There is no description of deleting a state from the list or any state of the transition states (Figs. 9-12). Therefore, the steps of independent claim 24 are unobvious over the teaching of Fiszman.

With respect to claim 27, the Examiner's Official Notice is challenged. If "another processor to back-up the processor" is well known, the Examiner must cite evidence that this is so.

Moreover, dependent claim 27 is unobvious over Fiszman because Fiszman lacks the controller recited in independent claim 25 for the reasons set forth in the discussion the discussion of independent claim 25.

For the reasons set forth above, it is submitted that the rejection of claims 24, 25 and 27 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claim 15 under 35 U.S.C 103(a) as unpatentable over U.S. Patent Publication No. 2003/0190593 to Wisnosky et al., hereafter Wisnosky.

This rejection is moot in view of amendments to independent claim 15. Independent claim 15 has been amended to recite that "a method of validating a state transition of a life cycle process in a source control system" and "an electronic signature based on use-defined transition restrictions of said life cycle process". Wisnosky does not disclose a life cycle process. Therefore, amended independent claim 15 is unobvious in view of Wisnosky.

Moreover, Wisnosky is an improper reference because it is for a non-analogous art. Amended independent claim 15 is for a method of validating a state transition of a life cycle process in a source control system. Wisnosky is directed to the art of "measuring educational performance levels". These two arts are unrelated and non-analogous.

For the reasons set forth above, it is submitted that the rejection of claim 15 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 4-6, 9, 10, 12, 14, 19, 22, 31, 34 and 35 under 35 U.S.C 103(a) as unpatentable over Fiszman in view of Wisnosky.

Wisnosky is an improper reference because it is for a non-analogous art. Fiszman is directed to a process automation system for the control of an industrial process. Wisnosky is directed to the art of "measuring educational performance levels". These two arts are unrelated and non-analogous. Therefore, the combination of Fiszman and Wisnosky is improper and inapplicable to claims 4-6, 9, 10, 12, 14, 19, 22, 31, 34 and 35.

With respect to dependent claims 4-6, 9, 10, 14, 19, 22, 31, 34 and 35, Fiszman lacks steps/elements as set forth in the discussion above for independent claims 1, 13, 18, 21 and 26, which are parent claims for these dependent claims. Wisnosky, which was cited for a different reason, does not supply the deficiencies of Fiszman. Therefore, claims 4-6, 9, 10, 14, 19, 22, 31, 34 and 35 are patentable over the combination of Fiszman and Wisnosky.

The Office Action suggestion to combine Fiszman with Wisnosky is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 4-6, 9, 10, 12, 14, 19, 22, 31, 34 and 35 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

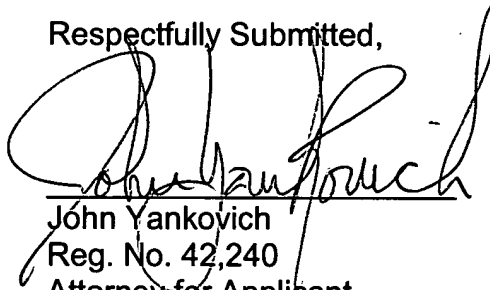
The Office Action cites U.S. Patent Publication No. 2005/0071658 that was not applied in the rejections of the claims. This patent has been reviewed, but is believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objections to the drawing and claims be withdrawn, that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1-37 be allowed and that this application be passed to issue.

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Respectfully Submitted,



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